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Sent: Mon 2/13/2017 2:33:10 PM
Subject: Paying price for radioactive hotspots in Niagara

Here's Mr. Telvock's latest installment. FYI

INVESTIGATIVE POST.org & WBFO radio

Paying price for radioactive hotspots in Niagara

By Dan Telvock

Feb. 9, 2017

John Raymond was about to sell his home in Lewiston until Environmental Protection Agency officials showed up last spring armed with radiation detectors.

Turns out that Raymond's basement had radon, a potent radioactive gas linked to lung cancer, at levels three times greater than regulatory limits. EPA officials said it's possible Raymond has radioactive fill under his home that may be linked to similar material found across the street by Holy Trinity Cemetery. That's where the EPA detected radioactivity more than 75 times higher than what's normal for the local environment.

"Basically I'm stuck," Raymond said. "One of the guys doing the testing advised me to find a lawyer."

He's not alone.

Raymond's neighbor Harry Wade also wondered about his property as he watched the EPA install a fence around the radioactive waste by the cemetery in April. A survey by the EPA in September found portions of Wade's driveway tested at levels at least five times normal background readings.

"I'm extremely disappointed to find out that they've known about this for all these years and all of the sudden a fence goes up and we learn about it and my property value is worthless," Wade said.

A third Lewiston resident, Robert Ward, said he has the radioactive waste in his yard, driveway and rosebed on Creek Road Extension.

“This is really crazy,” Ward said. “What would you do? I mean, who gets a soil test when they buy a house?”

While there is debate regarding the potential health impacts of the radioactive waste, it's clear these property owners are already feeling the financial pain.

In addition to these three properties, Investigative Post reported last July that state and federal officials in 1979 identified dozens of other residential and commercial properties – most in Niagara County – contaminated with what they believe is radioactive industrial waste.

Investigative Post has since obtained documents that raise the possibility that the contamination is more widespread and could be commonplace in yards, roads, parking lots and driveways throughout Niagara

Two reports done by a private investigator said half the parking lots in Niagara Falls could have been paved with industrial waste from a company that is the target of an EPA investigation into the source of the contaminated waste.

Although state health officials maintained for decades the radioactive waste did not pose a health risk, the EPA will spend at least \$8 million to clean just one property, a parking lot shared by a bowling alley and building supply store in Niagara Falls.

One expert said the state has made only a limited effort to determine the extent of the problem and even less of an effort to determine the responsible companies.

“It seems to me the state could be more concerned about this slag that's located on people's property and along streets in public areas, unless it would be an overwhelming task and they don't have the money for it,” said Fred Haywood, a retired environmental scientist involved in some of the previous federal surveys.

Little action by government

The federal government survey in 1979 identified 100 properties with levels of radioactivity at least double what is normal in the local environment.

The federal Department of Energy cleaned a third of those properties after determining the material was linked to spills from transporting radioactive waste to the Lake Ontario Ordnance Works property in Porter. The 7,500 acre property includes a 10-acre landfill holding 278,000 cubic yards of radioactive residues and waste from the Manhattan Project, the government's nuclear weapons research effort during World War II.

PHOTO Example of radioactive fill found at property by Holy Trinity Cemetery

The remaining 62 properties were left untouched. This rocky waste material the government calls “slag” was used for bedding under asphalt or as gravel. Contractors used it as fill under streets, driveways and parking lots.

Beyond the aerial surveys conducted almost four decades ago, the state and federal government have done little to determine the full extent of the problem.

Instead, the state Department of Health, which refused interview requests for this story, said in a prepared statement that a panel of experts determined in 1980 that the material did not pose a “significant public health impact that would require immediate remediation.”

Some disagree with the state’s assertion.

“Nobody is able to say for certain that the level of radiation found on any of these properties is safe,” said John Horn, an attorney who is part of a legal and environmental engineering team investigating the problem for a potential lawsuit.

Federal involvement

An EPA official said the agency got involved in June 2013 after a video conference with state health and environmental officials.

According to the EPA, that’s when Adela Salame-Alfie, the state Health Department’s then-director of radiological health, mentioned four properties in New York that “exhibited ‘worse’ radiological issues than Wolff Alport,” a Superfund site in Queens that was called “The Most Radioactive Place in New York City” by the New Yorker magazine in 2014.

Three of those four properties are in Niagara County: Rapids Bowling and Greater Niagara Building Center off Niagara Falls Boulevard in Niagara Falls, Holy Trinity Cemetery off Roberts Avenue in Lewiston, and a residential driveway on Upper Mountain Road.

Three years later, the EPA has begun cleanup of the parking lot and adjoining land shared by the bowling alley and building supply store. The EPA said it will continue to assess the Holy Trinity Cemetery property and the residential driveway for cleanup.

“Long-term exposure to that could be a health risk so that’s why we are doing what we’re doing,” said Eric Daly, a radiological response specialist with the EPA.

The problem extends beyond the sites previously identified in government reports.

“What’s clear is there is a problem of significant scope in Niagara County and that not enough people with the ability and the legal responsibility to address that problem have done so,” said Horn, one of the attorneys researching a possible lawsuit.

Potential sources of contamination

Two reports produced by a private investigator in 1979 offer more detail on the potential scope of the problem. The private investigator, now deceased, was hired by the then-owner of the bowling alley. The investigator's work included interviews with contractors who named companies, including Union Carbide, that could be the source of the radioactive waste.

Union Carbide, which owned Electro Metallurgical on 47th Street in Niagara Falls, was the largest ore-to-metal uranium production plant for the Manhattan Project from 1942 to 1953. State documents and the investigator's reports indicate Union Carbide had been involved in other industrial work that produced radioactive waste before and after the Manhattan Project.

In 1965, the state gave Union Carbide an exemption to bury radioactive waste on property it had owned and is now part of the closed Cecos Landfill at 5600 Niagara Falls Blvd. The only other option was an expensive one: transport the material out of state because New York did not have a landfill that could legally accept radioactive material.

GRAPHIC State gave Union Carbide an exemption to bury the radioactive waste

The private investigator's reports state two companies had "exclusive rights with Union Carbide to haul their waste and slag to the dump."

"At the time, if you wanted Union Carbide slag, you had to buy it through Friona Trucking Company. You could go to the dumps and they would load your truck or they would deliver it for you," states the May 10, 1979, report.

Another contractor told the investigator "half the parking lots in the Falls have Union Carbide slag under it and that he has it under the driveway at his home."

The private investigator's report details how multiple contractors told him Union Carbide slag was used as fill for the parking lots at the former Twin Fair department store off Packard Road and former King's Plaza on Military Road. One of the contractors said Union Carbide had the "cheapest fill" but it "contained a lot of lime and would explode or rise up in the parking lot when it got hot."

The reports named other potential sources of the material.

For example, the reports state that contractors purchased furnace waste from Oldbury Electro Chemical in Niagara Falls, which was acquired by Hooker Chemical in 1956 before it became Occidental Petroleum. In addition, the reports state that Pittsburgh Metallurgical, which was acquired by Airco in 1962 and now the Linde Group, "had stockpiles of radioactive materials at their Lockport Road dump" in Niagara Falls. All these metallurgical companies have since closed.

The presence of slag or furnace waste does not mean it is radioactive. Neither state nor federal officials have inquired with all of these companies or made a comprehensive effort to determine if there are any additional hotspots missed in prior government-commissioned surveys.

In fact, the EPA has inquired only with Union Carbide about its handling of this radioactive material.

Union Carbide officials refused interview requests. In a prepared statement, a spokesman said the company supplied the EPA with 3,000 pages of documents.

"In those documents, there is no information that would support the assertion that [Union Carbide] offered slag as fill to local area contractors," wrote spokesman Tom F. Sprick.

A spokesman for Occidental said, "I am not aware of anyone at the company today that is familiar with the business of Oldbury."

A spokeswoman for Linde North America said, "we found nothing in our records to indicate that the former Airco Alloys Division used radioactive materials or manufactured radioactive products."

State doesn't see danger

State health officials said it is unclear when they obtained the private investigator's reports and refused to detail what actions the agency has taken to confirm the findings.

"However, we have been actively involved with assessing potential impacts from radioactive slag in the Niagara Falls region since it was first discovered during a Department of Energy aerial survey of the area," the Health Department said in a prepared statement.

But others believe more work needs to be done.

"If it was me, and I was a government employee and I saw a letter similar to that, I would certainly start asking questions and start poking around to see how widespread this problem is," said Brian Stamm, one of the attorneys investigating the problem.

"But at this point, we have no evidence that anybody did do that."

U.S. Sen. Charles Schumer, responding to Investigative Post's story in July, urged the EPA to do a "thorough investigation."

"Right now, it's hanging over people's heads in terms of property value and in terms of health, in terms of safety," he said. "So let's get an investigation done and clean this up once and for all."

EPA officials said that apart from emergencies they can only assess properties referred to them by the state.

Judith Enck, the then EPA administrator for the region that includes New York, responded to Schumer that state health officials determined “most of the sites on the list were deemed not to present any public health issues.”

Ongoing clean up

Money is an issue.

Consider the \$8 million that the EPA will spend cleaning up the bowling alley and building supply store parking lot.

The project is massive. The site includes six white trailers loaded with bags of radioactive waste and a large mound of gravel and dirt covered with plastic with lesser radioactive material.

PHOTO EPA contractors begin work at parking lot shared by Rapids Bowling and building supply store (photo: EPA)

Yet this same property was deemed unworthy of any cleanup by state environmental and health officials for decades.

“You’d have to ask them what information they’re basing these decisions on,” said Daly, the EPA radiological specialist. “I know that we have performed more assessment work at this site, more thorough assessment work at this site.”

But Robert Schick, the DEC’s director of environmental remediation, said the state has kept track of these contaminated properties, including the bowling alley, and “at various times inquired with EPA as to whether or not they had the ability to deal with this.”

Schick also said that none of the affected properties posed a significant threat to health. Therefore, the properties are ineligible for state Superfund clean-up funds.

As for why it has taken so long to get to this point, Schick said: “I really can’t answer that. It has been on everyone’s list of issues to be dealt with and the time must have been right for the EPA to do this work.”

“I am not quite sure there is a true responsible party, but it really isn’t something that falls into our authorities under Superfund,” he said.

Property owners stuck

Raymond lost his dream home in Wilson after the buyer backed out of the sales contract for his Lewiston home. EPA contractors did install a radon mitigation system in his basement, but that did little to instill confidence in Raymond that he can sell his home.

Wade, his neighbor, also has plans to sell. But he doubts if anyone will buy his contaminated property that sits across the street from radioactive ground by the cemetery.

And Ward, who lives two miles north on Creek Road Extension, said he's renegotiating his house debt with the mortgage company.

"Otherwise, I'll let the house go and what are they going to do?" he said.

"Put yourself in my shoes: I can't sell it, I can't rent it. What am I supposed to do?"

Dan Telvock's report on WBFO

Audio Player

http://www.investigativepost.org/wp-content/uploads/2017/02/170202_Dan_Radioactive_mixdown.mp3

Jim Heaney discusses the story with Susan Arbetter on Capitol Pressroom

Audio Player

http://www.investigativepost.org/wp-content/uploads/2017/02/02-09-17_CPSEG4.mp3